

B, §1000(a)(9) [title V, §5004(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A–593.)

#### REFERENCES IN TEXT

Section 118(g) of this title, referred to in subsec. (b), was redesignated as section 118(f) by Pub. L. 108–419, §5(f)(2), Nov. 30, 2004, 118 Stat. 2366.

#### AMENDMENTS

1999—Subsec. (b). Pub. L. 106–113 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “Subsection (a) shall not apply to a nonprofit library, archives, or educational institution.”

### § 1205. Savings clause

Nothing in this chapter abrogates, diminishes, or weakens the provisions of, nor provides any defense or element of mitigation in a criminal prosecution or civil action under, any Federal or State law that prevents the violation of the privacy of an individual in connection with the individual’s use of the Internet.

(Added Pub. L. 105–304, title I, §103(a), Oct. 28, 1998, 112 Stat. 2876.)

## CHAPTER 13—PROTECTION OF ORIGINAL DESIGNS

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1330.	Common law and other rights unaffected.
1331.	Administrator; Office of the Administrator.
1332.	No retroactive effect.

### § 1301. Designs protected

#### (a) DESIGNS PROTECTED.—

(1) IN GENERAL.—The designer or other owner of an original design of a useful article which makes the article attractive or distinctive in appearance to the purchasing or using public may secure the protection provided by this chapter upon complying with and subject to this chapter.

(2) VESSEL HULLS.—The design of a vessel hull, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).

(b) DEFINITIONS.—For the purpose of this chapter, the following terms have the following meanings:

(1) A design is “original” if it is the result of the designer’s creative endeavor that provides a distinguishable variation over prior work pertaining to similar articles which is more than merely trivial and has not been copied from another source.

(2) A “useful article” is a vessel hull, including a plug or mold, which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which normally is part of a useful article shall be deemed to be a useful article.

(3) A “vessel” is a craft—

(A) that is designed and capable of independently steering a course on or through water through its own means of propulsion; and

(B) that is designed and capable of carrying and transporting one or more passengers.

(4) A “hull” is the frame or body of a vessel, including the deck of a vessel, exclusive of masts, sails, yards, and rigging.

(5) A “plug” means a device or model used to make a mold for the purpose of exact duplication, regardless of whether the device or model has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

(6) A “mold” means a matrix or form in which a substance for material is used, regardless of whether the matrix or form has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

(Added Pub. L. 105–304, title V, §502, Oct. 28, 1998, 112 Stat. 2905; amended Pub. L. 106–113, div. B, §1000(a)(9) [title V, §5005(a)(3)], Nov. 29, 1999, 113 Stat. 1536, 1501A–593.)

#### AMENDMENTS

1999—Subsec. (b)(3). Pub. L. 106–113 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “A ‘vessel’ is a craft, especially one larger than a rowboat, designed to navigate on water, but does not include any such craft that exceeds 200 feet in length.”

#### EFFECTIVE DATE

Pub. L. 105–304, title V, §505, Oct. 28, 1998, 112 Stat. 2918, as amended by Pub. L. 106–113, div. B, §1000(a)(9) [title V, §5005(a)(2)], Nov. 29, 1999, 113 Stat. 1536, 1501A–593, provided that: “The amendments made by sections 502 and 503 [enacting this chapter and amending sections 1338, 1400, and 1498 of Title 28, Judiciary and Judicial Procedure] shall take effect on the date of the enactment of this Act [Oct. 28, 1998].”

#### JOINT STUDY OF EFFECT OF THIS CHAPTER

Pub. L. 105–304, title V, §504, Oct. 28, 1998, 112 Stat. 2917, as amended by Pub. L. 106–113, div. B, §1000(a)(9) [title IV, §4741(b)(1)], title V, §5005(a)(1)], Nov. 29, 1999, 113 Stat. 1536, 1501A–586, 1501A–593, provided that:

“(a) IN GENERAL.—Not later than November 1, 2003, the Register of Copyrights and the Under Secretary of Commerce for Intellectual Property and Director of the